



Greece

3 - My rights in court

Preliminary procedure

Who warns me to attend court and how do they do it?

The Prosecuting Attorney draws up the indictment, sets the date for the trial and summons the defendant, the complainant and the witnesses at least 15 days prior to the trial, or 30 days if they live in other European countries.

The procedure during the hearing

Which court will hear the case?

The main criminal courts are the Magistrates' Court for infringements, the Misdemeanor Court for misdemeanors and the three-member Criminal Court of Appeal or the Mixed Grand Jury for felonies. As a matter of principle, the competent court is the court which is local to the area where the offence was committed.

Will the trial be in public?

Yes, unless the publicity might have an adverse effect on public morals or there are reasons for protecting the privacy of the litigants.

Who will decide the case?

The decision is made by judges at the lower courts and a combination of judges and a jury at the Mixed Grand Juries.

Can the charges be altered in the course of the trial?

It is possible for a charge to be amended to a similar one. It is the court alone which rules on what the proper legal definition is of the facts which constitute the subject matter of the case, or on the most precise specification of them.

What happens if I plead guilty to some or all of the charges in the course of the trial?

If you plead guilty to particular charges, the court will punish you in respect of those admissions. You may be treated more leniently when it comes to the imposition of sentence.

What are my rights during the trial?

Do I have to be present at the trial?

You do not have to be present. You can be represented by your lawyer, unless the court deems your presence to be necessary.

If I live in another Member State, can I participate by video link?

You cannot because this way of participating is not yet provided for by the law.

Will I be present for the whole of the trial?

You do not have to be. You can appear and then leave and continue to be represented by your lawyer.

Will I have an interpreter available to me if I don't understand what's going on?

If you do not understand the language of the court, the court is obliged to appoint an interpreter.

Do I have to have a lawyer? Will a lawyer be allocated to me? Can I change my lawyer?

You must have a lawyer only in the case of felonies and at the Court of Cassation. If you are unable to appoint one, the court is obliged to appoint a lawyer for you. You have the right to change your lawyer unless he/she has been appointed at the higher courts by the court itself (ex officio).

May I address the court? Do I have to speak during the trial?

You may but you do not have to. You have the right to remain silent.

What will the consequences be if I don't tell the truth during the trial?

You have the right not to tell the truth. It is not a criminal offence for a defendant to give an untruthful account of himself.

What are my rights in relation to the evidence against me?

Can I challenge the evidence against me?

You may and you have the right to do so during your defence or by giving evidence yourself, by adducing evidence in rebuttal or by calling your own witnesses.

What kind of evidence can I put before the court in my defence?

You can produce documentary evidence, lay witnesses and expert witnesses.

In what circumstances can I introduce such evidence?

There are no pre-conditions; you can present evidence to the court without having given notice to anyone.

May I engage a private detective to search for evidence for me? Is such evidence admissible?

You can do so and the evidence will be admissible as long as it has been obtained legitimately.

May I summon witnesses in my defence?

You may put forward as many witnesses as you wish and the court must allow examination of a maximum of as many defence witnesses as there are prosecution witnesses.

May I or my lawyer put questions to the other witnesses in the case? May I or my lawyer challenge what they say?

Both of you may ask questions and cast doubt on what they say in evidence.

Will information about my criminal record be taken into account?

Convictions involving a total of more than 6 months imprisonment will be taken into account if a guilty verdict is returned and when the court is deciding on the sentence.

Will previous convictions in another Member State be taken into account?

Only if they have been added to your criminal record.

What happens at the end of the trial?

What are the possible outcomes of the trial?

The Acquittal of the defendant, when the court is not convinced or is in doubt about whether he/she has committed the crime, or for other legal reasons, and when there are grounds for dispensing with punishment (e.g. in the case of genuine remorse).

The Conviction of the defendant and imposition of a sentence, when the court is convinced that the defendant has committed the crime.

The discontinuation of the criminal proceedings in the event that the defendant dies, the victim withdraws the accusation, the crime is time-barred, or the offence itself becomes the object of an amnesty.

Declaring the criminal prosecution as inadmissible, when there is a previous relevant decision, there is no accusation (if required), claim or authorisation for prosecution.

Summary of possible sentences

Main penalties:

Imprisonment (for life or for a period of 5-20 years), confinement (10 days - 5 years), detention (1 day -1 month), a financial penalty (150-15.000 euro), a fine (29 - 590 euro), confinement in a juvenile detention centre, or confinement in a mental health institution.

Supplementary penalties:

deprivation of civil rights, prohibition on the exercise of a profession, the publication of the conviction.

Security measures:

The detention of criminals judged to be not criminally liable, the commitment of alcoholics and drug addicts to detoxification centres, referral to work centres, prohibition on residence in a particular area, the deportation of foreign nationals, and the confiscation of assets.

What is the role of the victim during the trial?

The victim participates either as a litigant or as a witness. As a litigant (or 'civil plaintiff adducing evidence in rebuttal') he/she participates with a view to seeking compensation in the form of financial remedy for emotional damages or mental anguish, or, as a witness, in support of the prosecution case.

If the victim participates as a civil plaintiff he/she must state this before evidence is called.

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